



PATENT  
Attorney Docket No. BBC-128/1

*See Proposed  
Only*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----  
IN RE APPLICATION OF: : EXAMINER: R. Cook  
Carl M. Mendel et al. : ART UNIT: 1614  
: :  
APPLICATION NO.: 10/828,607 :  
: :  
FILED: April 21, 2004 :  
: :  
FOR: Treatment of Fibromyalgia :  
-----

Mail Stop Patent Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REPLY UNDER 37 C.F.R. §1.111

This is in reply to the Office Action mailed October 1, 2004, the period for response thereto having been extended three months to expire on April 1, 2005 pursuant to the Petition for Extension of Time enclosed herewith.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

04/14/2005 REPLYED 00000000 100000 10/828607

01 000000 000000 00



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Carl M. Mendel

Serial No.: 10/828,607

Filed: April 21, 2004

Entitled:

Attorney Docket No. BBC-128/1

ART UNIT: 1614

EXAMINER: Cook, Rebecca

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

The undersigned hereby certifies that this correspondence listed below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. USED467196375US, in an envelope addressed to Mail Stop, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

April 1, 2005  
date of mailing and signature

[Signature]  
Use Rasmussen

**TRANSMITTAL LETTER**

Sir/Madam:

Transmitted herewith are: [X] Reply under 37 C.F.R. §1.111; and [X] An Acknowledgement Postcard; to be filed in the above-identified patent application.

**FEE FOR ADDITIONAL CLAIMS**

- [X] A fee for additional claims is not required.  
[ ] A fee for additional claims is required. The additional fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	NUMBER OF EXCESS CLAIMS	RATE	FEE DUE
TOTAL CLAIMS			0	× \$18	= 0.00
INDEPENDENT			0	× \$84	= 0.00
FIRST INTRODUCTION OF MULT. DEPENDENT CLAIM				+\$280	= 0.00
TOTAL FEES DUE					= 0.00

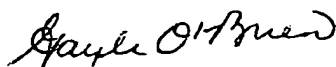
**PAYMENT OF ADDITIONAL FEES**

- [X] The Commissioner is hereby authorized to charge payment of any additional fees required under 37 CFR 1.16 or 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to **Deposit Account No. 010025**. A duplicate copy of this transmittal letter is transmitted herewith.

**PETITION FOR EXTENSION OF TIME**

- [ ] Extension is requested under 37 CFR 1.136(a), and the following extension fee is applicable for the paper(s) filed herewith: [ ] \$120.00 for response within first month pursuant to 37 CFR 1.17(a)(1);  
[ ] \$450.00 for response within second month pursuant to 37 CFR 1.17(a)(2);  
[X] \$1,020.00 for response within third month pursuant to 37 CFR 1.17(a)(3);  
[ ] \$1,590.00 for response within fourth month pursuant to 37 CFR 1.17(a)(4).  
[ ] \$2,160.00 for response within fifth month pursuant to 37 CFR 1.17(a)(5).
- [X] The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to **Deposit Account No. 010025**. A duplicate copy of this transmittal letter is transmitted herewith.

Respectfully submitted,



Gayle B. O'Brien  
Agent for Applicant  
Registration No. 48,812  
Abbott Bioresearch Center,  
100 Research Drive  
Worcester, MA 01605-4314  
Telephone: (508) 688-8053  
Telefax: (508) 688-8110